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8                   **UNITED STATES DISTRICT COURT**  
9                   **CENTRAL DISTRICT OF CALIFORNIA**  
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11 JAMES DUFF LYALL, JAVIER  
12 CORTEZ, D'ANGELO JONES,  
13 MAGNOLIA BECERRA, SASHA  
14 COSTANZA-CHOCK, JOSEPH  
HOLLIDAY, and BENJAMIN WOOD,  
individually and as class representatives,

15                   Plaintiffs,

16                   vs.

17 CITY OF LOS ANGELES, a public  
entity; LOS ANGELES POLICE  
18 DEPARTMENT, a local governmental  
entity; WILLIAM BRATTON, Chief of  
Police, individually and in his official  
capacity; DAVID ROSS (#33632),  
individually and in his official capacity;  
JOHNNY CERVANTES (#27374),  
individually and in his official capacity;  
NICHOLAS CHO (#39259), individually  
and in his official capacity; ANGEL  
GUERRA (#31815), individually and in  
his official capacity; JINHO KANG  
(#39151), individually and in his official  
capacity; and DOES 1 through 10, both in  
their personal and official capacities,

26                   Defendants.  
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12 Case No. CV 09-07353 PSG  
(MANx)

13                   **PROTECTIVE ORDER**  
14                   **REGARDING DISCLOSURE**  
15                   **OF LAPD RECORDS**

16                   **DISCOVERY MATTER**

28                   ///

1       Based on the proposed Stipulation Re: Discovery and Request for Protective  
2 ORDER, which was executed by plaintiffs and defendants, City of Los Angeles and the  
3 Los Angeles Police Department (“LAPD”) and then filed on July 23, 2010, the terms of  
4 parties’ proposed the Protective Order Regarding Disclosure of LAPD Records are  
5 adopted as an order of this Court.

6       The parties are expressly cautioned that the designation of any information,  
7 document, or thing as CONFIDENTIAL does not, in and of itself, create any entitlement  
8 to file such information, document, or thing, in whole or in part, under seal. Accordingly,  
9 reference to this Protective Order or to the parties’ designation of any information,  
10 document, or thing as CONFIDENTIAL is wholly insufficient to warrant a filing under  
11 seal.

12       There is a strong presumption that the public has a right of access to judicial  
13 proceedings and records in civil cases. In connection with non-dispositive motions, good  
14 cause must be shown to support a filing under seal. The parties’ mere designation of any  
15 information, document, or thing as CONFIDENTIAL does not – without the submission  
16 of **competent evidence**, in the form of a declaration or declarations, establishing that the  
17 material sought to be filed under seal qualifies as confidential, privileged, or otherwise  
18 protectible - constitute good cause.  
19

20       Further, if sealing is requested in connection with a dispositive motion or trial, then  
21 compelling reasons, as opposed to good cause, for the sealing must be shown, and the  
22 relief sought shall be narrowly tailored to serve the specific interest to be protected. *See*  
23 *Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 677-79 (9<sup>th</sup> Cir. 2010). For each type of  
24 information, document, or thing sought to be filed under seal in connection with a  
25 dispositive motion or trial, the party seeking protection must articulate compelling  
26 reasons, supported by specific facts and legal justification, for the requested sealing order.  
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1 Again, **competent evidence** supporting the application to file documents under seal must  
2 be provided by declaration.

3 Any document that is not confidential, privileged, or otherwise protectible in its  
4 entirety will not be filed under seal if the confidential portions can be redacted. If  
5 documents can be redacted, then a redacted version for public viewing, omitting only the  
6 confidential, privileged, or otherwise protectible portions of the document, shall be filed.  
7 Any application that seeks to file documents under seal in their entirety should include an  
8 explanation of why redaction is not feasible.  
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10 **A. ITEMS COVERED BY THIS PROTECTIVE ORDER**

11 1. The protective order applies to the following:

- 12     a. The LAPD's internal investigation regarding the incident (IA Report 08-  
13         005785 and notes);  
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15     b. Recorded interviews of any LAPD officer, including but not limited to  
16         defendants Nicholas Cho and Johnny Cervantes;  
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18     c. TEAMS reports, complaint search results, and complaint histories; and,  
19  
20     d. A current photograph of each City of Los Angeles agent or employee who  
21         was present at the time and place of the incident.

22 2. Should any party wish to stamp any of the above records as "CONFIDENTIAL"  
23 that party may not stamp the records in such a way as to cover any written portion of the  
24 records. The documents must remain completely legible.

25 **B. USE OF RECORDS**

26 1. Absent further order of the Court, the protective order will remain in effect until  
27 commencement of trial.

28 2. The items covered by this protective order may be used for this case only, and  
not for any other purpose whatsoever.

1       3. Items covered by this protective order, including any related copies, summaries,  
2 extracts, notes, photographs, memos, audiotapes and transcripts, shall not be disclosed,  
3 except to the following persons:

- 4           a. The attorneys of record, including legal assistants, paralegals,  
5 investigators and clerical employees working under counsel's supervision,  
6 as well as outside copying, graphic, computer services, and court reporters  
7 performing services in connection with this action;
- 8           b. Experts, consultants, investigators and their employees, retained and/or  
9 consulted by the attorneys of record to assist in the preparation of this action;
- 10          c. The parties, including their officers, agents and employees who are  
11 directly assisting counsel with the conduct or resolution of this action;
- 12          d. Witnesses while being examined by counsel at a deposition or trial.  
13          However, if the item is attached as an exhibit to a deposition transcript, the  
14 copy attached as an exhibit shall be redacted to omit names, birth dates,  
15 social security numbers, and addresses.

16       4. Before any disclosure of the items covered by this protective order, they will  
17 inform any person identified in Paragraph 2 above, of the terms of the protective order.

18       5. If any party wishes to disclose items covered by this protective order to any  
19 person other than those listed in Paragraph 2, above, that party shall give written notice  
20 to the non-disclosing party so that the non-disclosing party can make a motion to prevent  
21 the disclosure. The party wishing to disclose the information will not do so unless and  
22 until agreement with the other party is reached, or the other party's motion is ruled on by  
23 the court. If however, the other party does not file its motion within two weeks of the  
24 notice, the party wishing to disclose the information may deem the issue to have been  
25 abandoned.

1       6. Upon final determination of this action, whether by judgment, settlement or  
2 otherwise, including all appeals, and upon the producing party's request, Plaintiffs shall  
3 return those items, along with all copies, to the producing party. Any messenger or postage  
4 fees shall be paid by the requesting party. In the alternative, the producing party may  
5 request the items be destroyed.

6 **C. OTHER**

7       1. Plaintiffs shall not file a document subject to the protective order absent  
8 conformity with the Local Rule 79-5, or a court order granting leave to file as a public  
9 record.

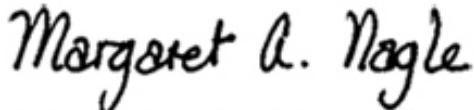
10      2. Defendants shall produce the items covered by this Order within five court days  
11 of the entry of this protective order.

12      3. The execution of this protective order shall not preclude any party from moving  
13 the court for other or further protective orders during this action.

14      4. This protective order is subject to amendment and modification by further  
15 stipulation among counsel and/or by order of the Court.

16 ***IT IS SO ORDERED.***

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19      DATED: August 13, 2010

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**MARGARET A. NAGLE**  
24      United States Magistrate Judge